

Enclosed: Pre-Appeal Brief Request for Review  
Petition for Three Month Extension of Time  
Credit Card Payment Form

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK  
OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT  
ACCOUNT 13-0410.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 10/632,017 (10  
PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND  
TRADEMARK OFFICE FACSIMILE NUMBER 1-571-273-8300 ON THE DATE  
SHOWN BELOW.

ToniAnn Fonte

NAME OF PERSON SIGNING CERTIFICATION

ToniAnn Fonte

SIGNATURE

DATED: June 7, 2006  
McGLEW AND TUTTLE, P.C.  
BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
TELEPHONE: (914) 941-5600  
FACSIMILE: (914) 941-5855

**RECEIVED  
CENTRAL FAX CENTER**

ATTORNEY DOCKET NO: 72270

JUN 07 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ABELS et al.  
Serial No : 10/632,017  
Filed : July 31, 2003  
For : BALL-AND-SOCKET JOINT  
Art Unit : 3679  
Examiner : GARCIA, ERNESTO  
Dated : June 7, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop DAC

PRE-APPEAL BRIEF REQUEST FOR REVIEW UNDER 37 CFR 41

Applicant requests review of the final rejection in the above identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are attached.

REMARKS

Claims 1, 5, 9, 10, 12, 14, 17, 20, 23, and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by the Yao reference (JP-2-199317).

The Yao reference suggests a seal structure of a dust cover for a ball joint. The Yao reference discloses a head section 28 of a flange section 15 of a ring collar 13 that is folded in such a way that a cross section from a center section in a peripheral direction to a proper position opposite to a spherical head section side becomes a U-like character. A sealing member 27 made of plastic or rubber elasticity is provided between the ring collar 13 and a connecting rod 18. An elastic force of a flange section 15 of the ring collar 13 improves sealing ability and prevents the production of a gap between the ring collar 13 and the connecting rod 18.

The Yao reference neither teaches nor suggests the present invention as claimed. Applicant has reviewed the Yao reference, and finds neither a teaching nor a suggestion that the sliding ring is mounted to slide in the ball race. In fact, the element A1 of the Yao reference which is taken to be equivalent to the sliding ring according to the Patent Office, is shown embedded in the sealing bellows. Since the sealing bellows is touching at least three sides of what is equivalent to the ball race, by the Office's position, the sealing bellows cannot slide in the ball race. Similarly, the sliding ring which is embedded in the sealing bellows also cannot slide in the ball race either.

The Yao reference also fails to disclose that the parts 28 (equivalent to lugs according to the Office Action) are in direct contact with the L-ring A1 (assumed to be equivalent to sliding ring by the Office position). The present invention as recited in claim 1 provides for the legs (including the lugs) which are in direct contact with the sliding ring 6. Additionally, the Yao

reference does not disclose or suggest lugs arranged at spaced locations from one another.

The Yao reference as a whole fails to direct the person of ordinary skill in the art toward the features of the invention. Accordingly, Applicant respectfully requests that the panel favorably consider Claim 1 in light of the discussion above. Applicant also respectfully requests that the panel favorably consider Claims 5, 9, 10, 12, 14, 17, 20, 23, and 29 as they are based on Claim 1.

Claims 1 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by the Amrath reference (US 4,639,159).

The Amrath reference discloses a rack steering linkage 1 wherein a bellows 4 is fastened between a rack housing 2 and a ball pin 3 in order to seal off a ball joint 5. The device for fastening the bellows 4 to the ball pin 3 comprises an annular disk 7 with a holding ring 8 arranged thereon and a wire ring 9 which holds the end of the bellows 4 in a circumferential groove 8b in the holding ring 8. The annular disk 7 has a closed outer circumferential edge 10 on which the holding ring 8 formed with a complementary inwardly opening annular groove 8a that can be snap-fastened, as well as inwardly extending segments 12 separated from each other by slots 11. The inside diameter of the disk 7, which is defined by the inner ends of the segments 12, is small than the outside diameter of the ball pin 3 on which the disk 7 is to be fastened. For this reason, the segments 12 are bent alternatively in opposite directions out of the plane of the edge 10 and then impart to the disk 7 the inwardly open bell-shaped form. In order to facilitate mounting, the inner ends of the segments 12 can be provided on one side with inwardly bent mounting flanges 13 or else with outwardly bent mounting flanges 14 which are slightly bent upwards.

The Amrath reference fails to teach or suggest that the holding ring 8 is a sliding ring and is able to slide relative to the disk 7. In contrast to the Amrath disclosure, the sliding ring according to the present invention is able to slide relative to the ball race. As such, these teachings suggest a different approach and do not suggest the features of the invention.

Claims 30 and 31 have been rejected as being obvious over the Yao reference in view of the Gardner reference (US 2,197,037). The Yao reference does not disclose a radial leg in sliding contact with an inner surface of the ball race and the radial leg between the sealing bellows and the lugs. The Gardner reference is relied upon to suggest this feature.

As previously discussed, the Yao reference does not disclose a sliding ring and lugs spaced apart from each other. The Gardner reference also fails to teach or suggest a sliding ring and lugs spaced apart from each other. Thus, the combination of features are not made obvious by the two references. Applicant also notes that there must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed. As such, these teachings suggest a different approach and do not suggest the features of the invention. As the prior art as a whole fails to direct the person of ordinary skill in the art toward the claimed combination, the invention should not be considered obvious. Accordingly, Applicant respectfully requests that the panel favorably consider Claim 30 and Claim 31 as they are based on Claim 1.

The prior art as a whole fails to direct the person of ordinary skill in the art toward the features of the invention. Accordingly, Applicant respectfully requests that the panel favorably consider the claims in light of the discussion above. Applicant also respectfully requests that the panel favorably consider Claims 5, 9, 10, 12, 14, 17, 20, 23, and 29 as they are based on Claim 1.

Further and favorable action on the merits is respectfully requested.

Respectfully submitted  
for Applicant,



By: \_\_\_\_\_  
John James McGlew  
Registration No. 31,903  
McGLEW AND TUTTLE, P.C.

JJM:bmd  
71084-11

DATED: June 7, 2006  
BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.